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Message of the Governor of Idaho

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MESSAGE

OF

NORMAN B. WILLEY

GOVERNOR OF IDAHO

1891-1892

January 2, 1893

GOVERNOR WILLEY'S MESSAGE.

Gentlemen of the Senate and House of Representatives:

In compliance with the requirements of the Constitution, I have the honor to submit for your consideration my biennial message. It is a pleasing duty to congratulate you on the measure of prosperity which our State has enjoyed during the two years now concluded. In all the departments of human progress I note a marked advancement.

Our schools and churches have increased in number and attendance more than commensurate with the increase of population, giving proof of greater intellectual vigor and an improved moral tone in the community.

The husbandman has been cheered by excellent harvests and by satisfactory prices for all his surplus products.

Several schemes for reclaiming portions of our arid lands have been undertaken and carried to completion, or are in a forward state of construction.

The mining interest of the State has been fairly prosperous although circumstances that could not reasonably be anticipated have operated to somewhat reduce the output of the precious and superior metals.

The great forests in the central and northern portions of the State are beginning to attract the attention of consumers of lumber, a natural result of the partial exhaustion of the supply in more accessible regions. Immigration has generally been of a desirable nature, and new homes are springing up and areas of new land are being reclaimed in all parts of the State.

The finances of the State and of its various counties and cities seem in the main, to have been administered with economy and prudence.

The reports of the various State officers and boards of our educational and penal institutions will be laid before you, and will explain in detail the workings and present condition of the administrative machinery of the State. I shall briefly summarize these, leaving to my successor in office, whose ripe experience peculiarly qualifies him for the task, the labor of recommending such measures of legislation as he may deem expedient.

FINANCE.

The report of State Treasurer Coffin covers the period commencing November 15, 1890, and ending December 31, 1892. The total receipts into the treasury from all sources, including cash on hand for the term beginning November 15, 1890, and ending December 31, 1892, were \$321,215.73. The total disbursements were \$247,501.55, and the cash on hand divided among the various funds was \$73,714.18.

The total receipts from all sources, including cash on hand for the fiscal year 1892, were \$424,519.73 and the disbursements were \$325,795.58, and the cash on hand in all the funds on January 1, 1893, was \$98,724.15.

The report shows in detail all the sources of income of the State and the amounts of each and all the disbursements of every nature and the balances in every fund.

The bonded indebtedness of the State actually outstanding on November, 15, 1890, was as follows:

Old bonds, Act of 1877	\$ 46,715 06
Capitol Building bonds, Act of	
1885	80,000 00
Insane Asylum bonds, Act of	
1885	20,000 00
Wagon Road bonds, Act of	
1889	11,000 00
Total	<u>\$157,715 06</u>

All these bonds draw interest at the rate of six per cent. During the two years just past the old bonds of 1877 and the \$5,000 of the issue of Insane Asylum bonds became due and payable and have been refunded, together with the accrued interest, with bonds, also drawing interest at six per cent., due in 1901, and payable in 1911, in pursuance of an act of the Legislature approved March 14, 1891.

The same act also authorized the issuance of \$78,000 in bonds for the redemption of outstanding warrants, but there being cash in the general fund

applicable to this purpose, a portion of the warrants were paid and cancelled.

The total amount of new bonds issued for refunding the old bonds and warrants and interest was \$102,000. The Insane Asylum bonds and interest were refunded by the issuance of \$6,000 new bonds. Of the Wagon Road bonds authorized by the Act of 1889, there has been a further issuance of \$37,000 and the entire bonded indebtedness of the State at this date is \$251,000.

As our bonds are in demand and could be sold, as some were sold, at a considerable premium, were it not for the option of exchange, I would suggest that in case of future issues being required, the rate of interest be reduced to not exceeding five per cent. However, it is quite likely that the School Fund, which is in a very flourishing condition, may absorb all future issues in which case the rate of interest to be paid is a matter, appealing to the sound discretion of the Legislature.

The outstanding warrant indebtedness of the State on November 15, 1890, was \$105,571.52, and on December 31, 1891, \$186,111.52, and on December 31, 1892, was \$137,225.04. As these warrants draw 10 per cent. interest from the time of their presentation at the Treasurer's office until paid in case there is no money in the fund against which they are drawn to meet them, it would appear at first glance that the State is paying from ten to twenty thousand dollars interest yearly on this form of its indebtedness. Such, however, is not the case.

Nearly all the revenue of the State derived from taxation is paid to the State Treasurer by the County Treasurers in the months of January and February. The warrants are then mostly called in and paid. Thenceforward the sum increases until the maximum is reached in January of the following year. If substantially the present method of collecting the revenue of the State is to continue, the rate of interest on unpaid warrants may be profitably reduced to six per cent. The rate of interest on all deferred County warrants is seven per cent and the State should not in justice to the tax payers pay any larger rate.

The Act of the Legislature providing for the issuance of the Capitol building bonds and subsequent acts provided also a sinking fund from the net proceeds of licenses due the State. This is to be invested in State warrants and the interest accruing thereon is also a source of income for this fund. If the moneys coming into this fund could be kept invested in this manner, the fund would more than pay the bonds at maturity. If this method of investment should prove to be impossible it would be expedient to provide some other means of investing the sinking fund.

THE STATE AUDITOR.

This officer is the bookkeeper of the State. In his report will be found in detail all its financial transactions as well with individuals and corporations as with counties. His suggestions regarding the mode of raising revenue and its disbursement are valuable,

being the result of long experience. In his report will be found statistical information bearing on the growth and development of the State not easily obtainable elsewhere.

I find that the amount of taxable property in Idaho as reported by the County Assessors for the last ten years has been as follows:

1883	\$13,938,412 00
1884	15,497,598 00
1885	16,230,530 00
1886	17,021,049 00
1887	20,741,192 00
1888	21,288,392 00
1889	23,667,179 47
1890	25,581,305 21
1891	32,227,509 00
1892	31,181,945 00

TAXATION AND EXPENDITURE.

No well regulated State will levy any greater amount of taxes than is necessary to support an economical government.

The gross amount appropriated by the last session of the Legislature for support of the State government for two years was \$390,588; and the sum of \$5,672 was appropriated to pay old claims against the Territory and State.

The annual charge for interest on warrants may be \$9,000. The interest on the bonded debt for 1891 was about \$9,870, and for 1892 about \$14,520. The annual expense for which the Legislature was required to make provision was therefore about

\$211,500. To meet this expenditure a tax was levied of 77½ cents on the hundred dollars for the year 1891, and 75½ for the year 1892.

This tax should have yielded for the use of the State \$249,763 in 1891 and for the year 1892, \$235,421.

The Supreme Court, in construing a clause in the Constitution relating to this subject, has held that all the taxes levied for the State must be paid into the State Treasury without any deduction for expense of collection. Doubtless the State should bear its share of the expense of collecting its revenue, but as this is a constitutional provision, it may be that the Legislature is powerless to grant relief.

The same result may be obtained by reducing the gross rate to be collected, and as the revenue seems to be more than sufficient to meet the ordinary current expenses of the State government, I recommend that it be reduced ten cents on the hundred dollars. But I consider the present system of assessing and collecting revenue antiquated, and suggest the enactment of a revenue law more in accordance with the prevailing view and with our changed conditions.

The Auditor's report presents in detail for your consideration the condition of the various appropriations, whether exhausted or otherwise, and his estimates for the ensuing two years.

SECRETARY OF STATE.

The report of the Secretary of State shows a satisfactory state of affairs in that office. His

receipts from fees during two years aggregate \$4,502.60, which are paid into the treasury and nearly equals his salary and office expenses. As the business of this office is increasing, the need of a larger appropriation for clerks is evident. Provision should also be made for the sale of a portion of the volumes of statutes now on hand.

ATTORNEY-GENERAL.

The report of the Attorney-General will be laid before you. It contains very valuable suggestions regarding the codes and miscellaneous laws now on the Statute Book.

In this office, more than any other, do the defects and obscurities of our present laws become evident. To the Attorney-General's sound discretion and his unwearying industry is largely due the successful dispatch of the business of the State and County governments.

His constructions of doubtful constitutional and statutory questions have almost always been sustained by the Courts on appeal.

His suggestions will prove valuable in shaping future legislation.

THE SUPREME COURT.

It is made the duty of the Supreme Court, by a clause of the Constitution, to report to the Governor, for transmission to the Legislature, such defects and omissions in the Constitution and laws as they may find to exist.

This report will be laid before you.

Coming from so high a source, its recommenda-

tions are entitled to careful consideration. They are the result of long practice in handling doubtful questions of the law.

In many portions of the Civil Practice Act much obscurity exists. The transition from a Territory to Statehood has also left much redundant matter upon the Statute Books. The time is not far distant, perhaps it has already arrived, when a complete revision of the laws is demanded.

INSANE ASYLUM

The Idaho Insane Asylum is located at Blackfoot, upon the Utah and Northern Railroad, the county seat of Bingham County. The location is dry and sandy, free from malarial influences, not differing materially from most of the towns in the Snake River Valley. The grounds of the Asylum cover several hundred acres. Much of it is arable land and fine crops are generally raised. The State also owns interests in irrigating ditches sufficient to water land enough for all the purposes of the Asylum. I would recommend that another tract of land adjacent be purchased for pasturage. Near the beginning of my term of office I appointed, upon the expiration of the term of their predecessors, W. C. Hill and Frank P. Cavanah, and re-appointed I. N. Costin, directors. This board immediately continued in office, Dr. Jno. W. Givens, the former superintendent, who still retains that position. To Dr. Givens' long experience in the treatment of the insane and his great executive ability, much of the exceptional success of the institution is due. I de-

sire to call your attention to his able report for all the details of the external and internal working of the Asylum.

On July 1, 1890, the number of patients undergoing treatment was 64. On July 1, 1892, the number had increased to 86. On December 31, it was 98. The medical superintendent calls attention to the low rate of insanity in this State, less than one-half the average rate in other States of the Union.

A small appropriation will be needed to continue the building and other improvements. It is found that there are many able-bodied men among the patients afflicted with mental infirmity only. A moderate amount of exercise at such handicrafts as they are accustomed to, inures both to the benefit of the individual and the institution. In the matter of needed improvements as well as the other subjects of which he treats, I commend Dr. Givens' suggestions to your careful consideration, coming as they do from one whose position qualifies him to judge.

STATE PENITENTIARY.

In all civilized communities the care and management of penal institutions is a matter of thoughtful care and earnest solicitude.

Punishment for crime is, in the present age, mostly restricted to an isolation of the individual from intercourse with society for a longer or shorter period according to the gravity of the offense.

Capital punishment, the taking of the offender's life, has become rare. It has not occurred in Idaho

for many years. It is conceded that a term of prison life usually satisfies the demands of justice.

The physical and intellectual status of the individual should be improved if possible at the end of his term. It certainly should not be damaged. The State becomes culpable, if in addition to personal seclusion, which is the only permissible punishment, it lowers the prisoner's mental condition to the verge of lunacy or to a point in that direction, or if it subjects him to malarial or miasmatic or other influences, or to great extremes of heat or cold.

As a means of avoiding the first of these disastrous conditions, physical exercise, a system of schools, and the segregation of the offenders into different grades is the most obvious. As to the second, a removal of the site of the prison might be the only remedy. Our prison is fortunately situated in all these respects. There is practically an inexhaustible quarry upon the land of the State adjacent to the prison upon which the labor of any probable number of convicts might be profitably employed for an indefinite period. This labor is of a kind that does not come into competition with any variety of skilled or unskilled labor to any extent. But were this not the case the humanitarian duty which the State owes to this class for its unfortunates must override every other consideration and demands that they be not permitted to continue in a condition of enforced idleness.

When the present administration took charge of the Penitentiary no useful employment whatever,

outside the walls of the cell houses, had been instituted. The only exercise possible to the convicts was various common sports and games, some of which were at once prohibited by the Board when their existence came to its knowledge.

The Board of Commissioners having control of the prison have not had the means at its command to undertake such a system of improvements and employment as the exigencies of the case demand.

When these are furnished it will not be difficult to produce a large revenue for the support of the prison and perhaps to make it self-sustaining. There is a ready market for all the rough stone that can be quarried and all the brick that can be manufactured. Every able-bodied convict can be profitably employed under the direct supervision of the employee of the State without recourse to the objectionable contract system in vogue elsewhere.

The construction of a new prison building is imperative in the future and a wall surrounding the yard should be commenced at once. An appropriation of sufficient magnitude to meet the miscellaneous expenses of the improvements outside of the necessary labor which would be furnished by the convicts, is the only impediment.

The annual report of the Warden will be submitted to you. It covers most of the details of prison management and his suggestions are valuable.

On February 12, 1891, when the State's control of the prison commenced, the number of convicts was 75. There has been a steady increase, and on

December 1, 1892, the number was 94. As a matter of courtesy to the Federal Government, a number of prisoners sentenced by the Federal Courts have been maintained at the prison. The average daily cost of maintaining a prisoner is shown to be, at the present time, about 71 cents.

The climatic and sanitary conditions surrounding the prison are good, as shown by the fact that only two convicts have died in the two years.

BOARD OF PARDONS.

Under the clause of the Constitution relating to this subject, I lay before you a list of the pardons, commutations of sentence and remissions of penalties granted by the Board of Pardons since its organization. This is compiled from the official record kept by the Secretary of State, who is ex-officio secretary of the Board.

The granting of pardons is a subject invested with much difficulty. It is to be presumed that a jury who have listened to and weighed all the evidence, and a judge that has pronounced sentence, have rendered exact justice, and the burden of proof rests upon the accused to show the contrary.

But, however carefully all these proceedings are conducted, some cases do occur where there is grave doubt of the guilt of the accused and where the sentence is out of just proportion to the gravity of the crime.

Subsequent events also occur rendering a pardon almost imperative, as where the family of a convict is so reduced by neglect or misfortune that

the interest of the State becomes greater in the preservation of the lives of those still living than in the punishment of those civilly dead.

THE STATE BOARD OF EQUALIZATION.

The hastily passed law of the last session relating to this subject was found to be so defective and obscure in its material portions that no effective work could be accomplished.

The Supreme Court decided that the Board had not the power under the law that it claimed to possess, to raise or lower the assessment of classified property.

Referring particularly to railroad assessment, the Board found that there was a difference amounting to thousands of dollars per mile in the valuation in adjacent counties, depending apparently upon the whim of assessors.

There were also wide differences in the values of other species of property.

As a Board of Equalization is admitted to be a necessity for the correction of these errors in nearly every State, a clear and comprehensive statute should be enacted by our Legislature also.

The provision for an annual meeting of the County Assessors should also be made imperative.

THE LAND COMMISSION.

In the Admission Act Congress donated to the State several hundred thousand acres of land for various public uses, in addition to the sixteenth and thirty-sixth sections previously reserved for school purposes only. These lands are an empire of them-

selves. The Legislature passed an act providing for their selection and disposal. The practical working of the law has proved it a most excellent one in the main. It only needs amendment in some quite unimportant particulars. Immediately on the organization of the Land Commission, it appointed Hon. F. A. Fenn, State Selector of Lands. During his term to the date of the report of the Secretary of the State Board of Land Commissioners, he has located 127,118.96 acres of land. There were also located in previous years by other selectors upwards of 40,000 acres of University land. As this was selected at a time when good public land was more plenty than now, it follows that it is generally far more valuable than any vacant land within our borders at the present time.

The title of this University land is now being adjusted at Washington, and it will soon be available as a source of revenue for that institution. The amount of school land sold within the last eighteen months is 25,820.83 acres and the total amount of sales was \$617,470.47.

There is to be paid ten per cent. of the purchase money at time of sale and the balance at the end of ten years with six per cent. per annum interest, and an option of paying the whole of the purchase money at any time.

The appropriation has been found too small for the commission to accomplish as much as it hoped to do. A number of sources of expense, notably the fees to be paid the Federal land officer for selections

of land, were entirely overlooked. What has been accomplished has been effected only by the most rigid economy. While this economy may be expected to continue, we should bear in mind that the benefits accruing to the State from the operations of this department are very great and the expense account must be correspondingly increased.

Our expenditure in this direction seems insignificant compared with that of some of our neighboring States. I refer to the report of the Commission for facts and suggestions relating to this subject.

THE PUBLIC SCHOOLS.

The reports of the Superintendent of Public Instruction show a very gratifying condition of the schools of the State. All the counties return an increase of children entitled to public money, and in some this is very marked. The law of the last session requires amendment in several important particulars. In the first place there should be a Constitutional amendment adopted, separating the office of County Superintendent of Public Schools from that of Probate Judge. The two offices are incompatible. If it be not deemed best to make it a distinct office, its duties may be better devolved upon almost any other county officer than the Probate Judge. The present division of the county school fund among districts also appears to work a grave hardship in some cases.

I would recommend that the division of per capita funds, whatever it may be, be based upon the actual attendance of pupils of school age rather than

upon the accidental residence of such children who may or may not attend school at all. The rate of taxation levied and collected in every County seems high, and to this will hereafter be added large sums from the State treasury, resulting from the splendid handling of the school lands, but the actual educational results do not seem to correspond to the large amount of money disbursed.

For a large quantity of statistical information and many valuable suggestions, I refer you to the report of Superintendent J. E. Harroun.

THE STATE UNIVERSITY.

The report of the Regents of the University will be laid before you. It contains in detail the statements of receipts and disbursements and the progress of the improvements undertaken, the employment of professors and the number and standing of the students. During the two years the west wing of the structure has been completed and furnished, and in September it was occupied by a corps of teachers and some of the departments of the University were in operation. It is an elegant and substantial structure, and cost about \$34,000.

The remainder of the buildings can be completed at an estimated cost of \$75,000. I do not recommend that this be undertaken with undue haste, but that it should proceed as fast as the educational wants of the State demand.

The subjects that are taught in the University are those, among others, that are required by the Federal Government in agricultural colleges, and

upon this showing I have asked to have Idaho included in the number of States entitled to receive the sums appropriated to these colleges.

Our State has no distinctively Agricultural College, and it would seem to be the part of wisdom, to apply this fund to the support of a single school, teaching all the required branches, rather than to divide it among two or several. One strong school well equipped will better promote the educational interests of the State than two struggling for existence.

The present tax rate of seven and a half cents on the hundred dollars I consider sufficient to provide a fund for construction purposes, and the subsidy of the Government, now \$17,000 per annum, and increasing a thousand dollars yearly, will go far towards maintaining a corps of teachers and professors.

There will come a time when a separate Agricultural College will be a necessity, but our present assessment roll is too small to permit us now to indulge in the costly luxury of two fully equipped institutions without unduly taxing the commonwealth.

The Agricultural Experiment Stations are also under the general direction of the Board of Regents. Three of these were established during the year at Idaho Falls, Nampa and Grangeville, and the Congressional appropriation of \$15,000 per annum was divided between them.

The usual agricultural operations incident to

institutions of this character have been carried on at these stations, but I have no information regarding them.

I recommend that the term of office of the Regents be extended to six years, and that one-third of the number be appointed biennially, and that the Governor and Chairman of the State Board of Education be added to the number as ex-officio members.

STATE WAGON ROAD.

The report of the Commissioners for the construction of the Mt. Idaho and Salmon Meadows wagon road will be presented for your consideration.

This road extends from Mt. Idaho in Idaho County, by way of the mining town of Florence and the Payette Lakes, in Boise County, to Meadows, in Washington County.

The proceeds of \$50,000 in six per cent. bonds were appropriated for its construction. The road and bridge across Salmon River have been nearly completed. Its remoteness from railroad lines and the rugged character of the country have delayed it somewhat, but it is now in fair condition for public travel. A small sum yet remains in the fund which a law of the last session required to be used in improving the road between Long Valley and the Payette Valley, in Boise County.

In connection with this provision, the Commissioners examined various routes with care and agreed that none of the present roads were entitled to much consideration, but that the best route was the one

following down the valley of the Payette River. To construct this road would involve an additional appropriation of \$10,000, which I heartily recommend.

An appropriation was also made to survey another proposed road from the vicinity of Banner, in Boise County, to the St. Mary's River, in Kootenai County. I appointed E. W. Jones, I. C. Sargent and B. B. Day, surveyors, and these gentlemen proceeded to comply with the provisions of the law, and their report is herewith submitted. I recommend that the sum of \$35,000 be appropriated for the construction of so much of the road as lies between Banner, in Boise County, and Warm Springs, in Idaho County, to be expended in the next two years. Several important mining districts containing large and valuable mines would be opened up by this road which are now entirely dormant. The State can make few more judicious expenditures than those developing its mineral resources, and the construction of roads is an important means to this end.

THE IDAHO NATIONAL GUARD.

The companies of the I. N. G. have increased from six to eleven within the two years under review. The number of enlisted men at the present time is 428. The report of the Adjutant General shows in detail the condition of this important department of the State. I regret that there is so little interest taken in this matter. The enlisted men do not attend the weekly drills so regularly as might be expected from the apparent enthusiasm

attending the formation of the companies. I have turned my attention lately rather to perfecting the organization and equipment of the old companies than to mustering in new ones. Indeed, there are too many companies already. The amount received by the State from the Federal treasury is payable only in ordnance and quartermaster stores and is hardly sufficient to maintain the equipment of part of the companies. The sum appropriated by the State for the last two years pays but a part of the ordinary expenses, leaving extraordinary expenses, such as have been necessary by the events of the last few months, unprovided for.

It is evident, I think, to every reasonable citizen, that our military establishment must be not only kept up, but improved. The force must necessarily be small, but it should be disciplined and equipped so that it may be moved promptly and act effectively when required.

The present militia law is defective in many particulars. If a military fund having an income from some permanent source be not created then an appropriation should be made for at least \$6,000 per annum from the general fund, for current expenses. The Adjutant General, upon whom the executive business devolves, should receive a salary sufficient to enlist the services of a competent officer. A due regard for the economical administration of the finances of our small State, does not permit us to rival the vigorous magnificence of our wealthier

sisters, but in this department pre-eminently, what we do attempt, should be done well.

COLUMBIAN EXPOSITION.

During the coming summer will occur the grandest display of the products of nature and of human industry the world has ever seen. It will afford us a magnificent opportunity to present and advertise to the world all our material resources.

The varied products of our mines, our fields of wheat and other cereals, our unrivalled fruit collections and manufactured and unmanufactured articles will now be presented to the view of more millions of the world's toilers and consumers than most of us now living can again hope to see.

The collection and preparation of these exhibits requires unwearying industry and much expense. The last session of the Legislature appropriated \$20,000 for the expense of the Idaho exhibit. The sum has proved too small, as might have been expected, for the purpose intended. Under the careful management of our Commissioner, Hon. J. M. Wells, a very creditable beginning has been made. Many valuable articles for exhibition are already in hand. The Idaho building is also commenced, but the appropriation is nearly exhausted. As the leading political parties in enunciating their platforms inserted a clause pledging themselves to a vigorous support of the exhibition, it is to be presumed that the Legislature will so far redeem these pledges as to provide a suitable fund for the continuance of the work.

The Commissioner has already devoted a year's time to the work without salary, and his labors have been arduous and his industry worthy of all commendation.

MINES AND MINING.

Idaho's mineral output is at the present time its most valuable resource. Our production of gold approximates \$2,000,000, and of silver \$4,500,000 per annum. Our lead product also places us among the foremost states producing that metal. In copper we have mines of enormous extent at present undeveloped and unproductive on account of their great distance from lines of railroad transportation.

There are several well known beds of interior coal or lignite, some of which will doubtless develop into mines upon further exploration. Iron ores also exist in great quantities in several localities.

Cinnibar and antimony and many of the rarer metals occur, but there is as yet no noteworthy production of any of them. In the list of precious stones many valuable agates have been found bordering Snake river, and the opal mines near Moscow are acquiring considerable prominence.

But for some time to come our chiefest mineral wealth depends upon our mines of gold and argentiferous galena. The vast mountain range extending from the borders of Wyoming to British Columbia is a store house of the precious metals. Its rugged vastness can never be invaded by the plow of the husbandman. For ages to come as in years past the prospector will gain some reward for his patient toil.

The man of commerce will fatten upon his ample profits, the mining investor will reap his millions and the treasuries of the world will be replenished with a circulating medium.

Legislation can do little to improve this industry. The present laws relating to it, whether National or State, are well understood and meet the approval of those immediately interested and no radical changes should be attempted. The most pressing want is the means of communication with the mountain districts, and the State should continue the system of roads already so judiciously commenced.

In view of the scarcity and remoteness of coal suitable for fuel, and the importance of discovering and developing mines of this invaluable mineral, I recommend that a liberal reward be offered by the State for the first producing mine or the first thousand tons of merchantable coal produced and marketed.

The taxation of mines is a subject for your serious consideration. Doubtless this industry, inasmuch as it is entitled to and receives the equal protection of the laws, should also share an equivalent portion of the public burdens. I recommend the material portion of the system now in force in the State of Nevada as one best suited to our circumstances and conditions.

GENERAL ELECTION.

The first general election has been held under the provisions of the law of the First Session establishing the principal features of the Australian ballot.

system. This plan is in line with the requirement of Article VI of the Constitution. It seems to be the nearest approach to a secret ballot of any scheme yet devised. Its general features have met the approbation of representative men of all political parties of the State. Some minor details need amendment. The method of indicating the voter's choice of persons is too intricate. An educational qualification is hardly established and such a qualification may with propriety be required, but it should not be qualification of so high an order as to confine the elective franchise to a favored few. The limit of registration should also be placed nearer the time of election, say within two days. Objection has also been made to the form of oath that is a preliminary to registration as being too stringent. It practically disfranchises the members of a religious sect numbering several thousand otherwise qualified voters. But in a case brought into the Supreme Court where this point was expressly put in issue, that tribunal decided the oath not to be obnoxious to the Constitution, and the matter is referred to the Legislature for such adjustment as its wisdom may suggest.

Whether the Elector's Oath, so called, should be repealed is a question of policy upon which individuals differ. It is a question that appeals to the sound discretion of the Legislature. As originally framed, its intention was to prevent those who practiced polygamy or the so-called plural or celestial marriage and who belonged to any organization that taught that doctrine, in other words, the Mormon

Church, from exercising the elective franchise. The practice of polygamy, though clothed with the thin guise of a religious rite, is so repugnant to the conscience of the civilized world that almost any penal measure necessary for its extirpation may be deemed justifiable. One of the penal measures that has been resorted to is the suspension of the elective franchise. It is a novel punishment for the crime of polygamy. Perhaps it is indigenous to Idaho alone. But whether or not it was expedient at the outset, its effect has been salutary and through the vigorous enforcement of this and other laws the pernicious practice has abated, if indeed it has not ceased entirely. The Mormons claim that plural or celestial marriage is no longer a doctrine or rite of the Church. That in theory and practice it is dead. These professions seem to me to be genuine and made without mental reservation. I am therefore of opinion that the restrictions upon the elective franchise may be relaxed and that the welfare of the commonwealth will be sufficiently protected if no more stringent oath be exacted than that contained in the Constitution. The law for the punishment of bigamy will still remain upon the Statute books. Its provisions are ample for the punishment of this form of crime, or if in the future they be found insufficient its penalties may be increased and the former restrictions upon the suffrage, or severer ones not amounting to an absolute prohibition, may be enacted by future Legislatures. But

I claim that the sincerity and good faith of this prescribed sect is entitled to a fair trial.

IRRIGATION.

The subject of Irrigation is, in my opinion, the most important local question with which the people of Idaho have now to deal.

Practically all the good agricultural land suitable for cultivation without an artificial watering, not included in Indian Reservations, is taken up and fenced.

There are a number of valleys scattered among the mountain ranges yet subject to appropriation, but in most cases their great altitude prevents the successful cultivation of cereals.

The home seeker is for the most part restricted to the open plains of the great Snake River Valley and its tributaries. Here the rain fall is small, not sufficient to mature a crop. Artificial irrigation must take its place or the naturally rich soil must forever remain unproductive. It happens, fortunately, that rivers having their source in mountains when the fall of rain and snow is greater, traverse these plains in various directions, and the construction of canals is mainly a question of expense not attended with grave engineering difficulties.

Our Constitution contains in itself the framework of a system for the future use of water for beneficial purposes.

Its precepts are those of fundamental law, long established by the usage of civilized nations. Its details, left as matters of legislation are, however,

many and important. It is to be presumed that large aggregations of capital acting in a corporate capacity will be always necessary for the construction of most of our canals. The consumers of water, on the other hand, will usually be very numerous, each distributing water on his own land. The adjustment of the relations between these buyers and sellers must be regulated by legislation or it becomes a fruitful source of litigation.

It is the duty of the State to curb corporate rapacity on the one hand and to protect invested capital on the other.

At the last session of the Legislature a law was passed presenting one view of this subject which met the executive disapproval. Since then the question has been fully considered by many thoughtful minds and it is to be presumed that measures will be presented embracing broader views.

The different conditions and circumstances which surround the question of the regulation of the rate of water in this State, render any comprehensive scheme objectionable to some community or some interest. One deserving of trial, in my opinion, provides for the formation of water districts bounded for the most part by natural lines without reference to county or township boundaries and including so much territory as may readily be irrigated by a system or systems of ditches taking water from a single stream. It may be presumed that the cost of construction and maintenance which must be taken into consideration in fixing a rate at which water

may be furnished to consumers, may be more readily ascertained where the conditions are similar than where they are widely diverse. The conditions may be deemed similar when a series of canals traverse a territory at different levels having similar natural features, soil and products. It will readily occur to those acquainted with the geography of the State, that from five to ten such natural basins exist.

A Commission should be established of three persons appointed by the Governor, with the consent of the Senate, upon whom should devolve the duty of examining such questions as the cost of construction and maintenance of canals, the value of adjacent land and products in each district, and who should fix the water rates annually.

This Commission should also be empowered to ascertain the right to appropriate water within such limits as do not trespass upon the constitutional prerogative of the Courts. They should be paid such a salary as will insure the services of capable men. Provision should also be made for the ultimate purchase of all the existing canals in any district, and the construction of such others as may be found necessary at the expense of the district, the interest upon the requisite bonds, and a sinking fund for their payment, to be provided out of the current sale of water and the bonds to be guaranteed by the State.

I present these views merely as the framework of a scheme the details of which may be worked out

by those whose experience in irrigation is greater than mine.

SHOSHONE COUNTY.

The most important event of the year in the history of the State has been the labor troubles and riots in the Cœur d'Alene Mining District of Shoshone County. Its serious nature deserves a more than passing notice at my hands.

The mineral veins of that district are of great extent and well defined. They are mostly composed of argentiferous galena of low grade and require a great amount of manual labor for their development and reduction. It was stated on good authority that about 2,000 men were employed on or about the mines and mills at the beginning of the year. In January most of the mines suspended operations and their employees were laid off and remained idle for a number of months. The reasons alleged by the mine owners for the stoppage were a disagreement with transportation companies concerning freight rates and with the miner's unions about the rate of wages to be paid employees, and some matters of detail connected with the supervision of their work. The differences with the railroad companies were presently adjusted, but other matters could not be satisfactorily harmonized and most of the mines remained idle.

The miners for the most part declined to treat with their former employers except as organized associations, while the mine owners, though recognizing the fact of organized labor, claimed the absolute right to employ in every capacity union or

non-union men on terms of perfect equality. Long idleness and more or less destitution bred discontent. Efforts to commence work on the basis just indicated led to much harshness of feeling and turbulent and boisterous conduct on the part of the unemployed union men. Laborers brought from distant points and placed at work in the mines were subjected to espionage and threats and in some cases to harsh treatment.

About the end of May I visited the district and conferred with some of the principal mine owners and with Thomas O'Brien, the president of the Central Union, and others of lesser rank and authority among the miners. I believe that these men stated to me all their grievances of any moment and that I understood the positions and demands of the respective parties. I perceived that the differences were too radical to be adjusted by arbitration, and that no sufficient concessions were likely to be made by either side.

The popular feeling was in such a state of tension that a very slight cause was sufficient to precipitate a riot at any moment. I issued a proclamation counseling harmony and warning all citizens that peace and good order must be maintained. I also procured reports from all the companies of the Idaho National Guard, stating the number of men available for active service, and I further requested the President of the United States to place at my disposal a force of Federal troops in case of

emergency. I detailed Inspector General J. F. Curtis to visit the district and report the state of affairs from time to time.

In the early morning of July 11th a riot commenced at the town of Gem. Several men were killed and wounded by fire arms, and the Frisco mill was demolished by dynamite causing loss of life and property. A large number of armed men took possession of several mines, expelling the men working in them and forcing many of them on board of railway trains which speedily took them out of the country. I ordered into active service the six companies of the I. N. G. that could be most conveniently reached, and requested from the President the assistance of Federal troops, which were at once ordered to the scene of action. I issued a proclamation declaring the County of Shoshone in a state of insurrection and placed General J. F. Curtis in charge of all military operations. All the troops rapidly arrived at their destination and the rioting ceased. A large number of arrests were made under military authority and many persons were held to answer various charges of conspiracy to violate the mandates of the Federal Court. A number of the most prominent were brought to the capital for trial, tried and convicted in the United States Court and are now undergoing various sentences of imprisonment. Most of the laborers who were expelled returned and were given employment in the mines whence they were ejected. Many more also came into the district from neighboring States and Terri-

tories, and work was generally resumed upon the terms and conditions offered by the mine proprietors near the beginning of the year.

A large part of the disaffected and turbulent element, however, lingered about the towns and in the neighboring country, and many threats of revenge and dire deeds of criminal purport continued to be uttered. Although no collision occurred I deemed it necessary for the preservation of peace to retain a considerable force of Federal troops at Wardner and Wallace until November 19, at which date the proclamation of martial law was revoked and the troops returned to their stations. I am advised that at the present time very harmonious relations exist between employer and employee, that never in the history of the district was the number of men employed or the output of mine products so great, nor was there ever an appearance of more substantial prosperity. For the peaceful solution of the difficulties the State is greatly indebted to the coolness and sound discretion of General J. F. Curtis and General Carlin of the regular army, and to Secretary of State A. J. Pinkham, Attorney General Roberts and Judge Advocate General Parsons and his assistant, Captain John Green Ballance, U. S. A., and to Judge Beatty of the United States District Court and the United States Marshal and his assistants.

Thanks are also due to the members of the Idaho National Guard for their promptness in main-

taining the dignity of the State under the most difficult circumstances. From a reasonable standpoint this affair has been a campaign of education to organized labor.

The demands of the miners' unions were so arbitrary and unreasonable that they must lead to resistance and bloodshed if any attempt was made to enforce them. For this the character and quality of the men composing them is much to blame. In other branches of organized labor, such as locomotive engineers, type-setters, carpenters and the like, some skill or excellence in the particular craft is required, but in a miners' union it is merely required that he should work or not work in or about a mine the union may direct. It is certain that in the late affair a large number of men were absorbed into the unions and supported by them not because they would or could work but on condition that they would not work.

Where no previous practice and no standard of excellence involving intellectual effort is required, we need not expect the moving mass to exhibit that sound discretion that belongs to organized crafts differently constituted. Thus, a miners' union may fall to pieces by the mere inertia of extreme measures while a typographical union, for example, might obtain redress of a grievance of far less magnitude.

Organized labor may justly protect itself, indeed, it may go farther: it may demand that the State protect it against the tyranny of organized capital and with equal justice may capital demand protec-

tion against the tyranny of organized labor.

But the difference between injustice and tyranny wide, and the labor element often fails, as experience is shown, to distinguish between the two. The Courts are fully competent to remedy the one; only revolution can remedy the other. Have the labor unions of the State shown that the Courts have failed in a single instance to correct injustice done them? Have executive officers within the proper sphere of their powers and duties, failed to afford them protection and relief? Has any Legislature failed to enact just and proper laws? Until these questions are answered affirmatively a reasonable mind can see no room for organizations independent of and above the law. An imperium in imperio. Herein lies the danger of a tyranny far worse than the evils sought to be averted.

A Constitutional provision confers upon the Legislature the power to appoint Boards of Arbitration and define their powers and duties. It is not easy to see what function such boards can fulfil as between employers and laborers. If they are to have plenary powers then they become Courts and administrative officers may execute their decrees; if not, then they become merely advisory bodies with none to do them reverence. I cannot view them otherwise than as mere temporising expedients. The labor element whether organized or unorganized, as well as every other element of our society, must learn this vital truth that the law of the land is the supreme authority and must be obeyed.

MISCELLANEOUS.

Your attention will be called from time to time to various statutory defects and discrepancies.

In numerous cases duties have been enjoined upon public officers for which no appropriations have been made. The time for appropriation to lapse should also be extended so that the administrative machinery does not come to a stand-still. Provision for the boring of artesian wells along the edge of the Snake River basin in the Counties of Ada, Elmore, Logan and Bingham may also be profitably made. A railroad commission which should exercise supervision over the railways of the State may be formulated. Vigorous action should be taken so far as the Legislature has power in the adjustment of the obligations of what was once Alturas County. I do not need to advise economy in regulating the expenditures of the State. Many of you were elected upon that issue.

While our assessment roll is so small it is imperative to discriminate closely between what is necessary and what is merely expedient.

I advise great care in preparing laws both in matters of form and substance and that the clearest constitutional provisions only be followed. Some of the important legislation of the last session has been rendered inoperative upon frivolous pretexts.

Whenever the Constitution is obscure, and it often is, it is better to err upon the side of too little legislation than too much and to await the time of a

constitutional revision. The responsibilities of legislation are great and man's wisdom is finite; to the source of Infinite Wisdom, I commend your deliberations.

NORMAN B. WILLEY.